

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
(Under 37 CFR 1.97(b) or 1.97(c))**

Docket No.

13914.880

In Re Application Of: William T. Dalebout et al.

JAN 24 2005



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/647,729	08/25/2003	MATHEW, FENN C	022913	3764	8150

Title: EXERCISE DEVICE WITH CENTRALLY MOUNTED RESISTANCE ROD AND AUTOMATIC WEIGHT SELECTOR APPARATUS

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1.  The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2.  The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
 (Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
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JAN 24 2006  
 USPTO  
 CPE 403

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Title: EXERCISE DEVICE WITH CENTRALLY MOUNTED RESISTANCE ROD AND AUTOMATIC WEIGHT SELECTOR APPARATUS

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of \_\_\_\_\_ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
  - Charge the amount of \_\_\_\_\_
  - Credit any overpayment.
  - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

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 (Date)

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 Signature of Person Mailing Correspondence

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 Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

  
 \_\_\_\_\_  
 Signature

Dated: January 24, 2006

FRASER D. ROY  
 Attorney for Applicants  
 Registration No. 45,666  
 Customer No. 022913

CC:

Express Mail Label No. EV 723 466 347 US

PATENT APPLICATION  
Docket No: 13914.880

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re application of )  
Dalebout, et al. )  
Serial No.: 10/647,729 ) Art Unit  
Filed: August 25, 2003 ) 3764  
Confirmation No.: 8150 )  
For: EXERCISE DEVICE WITH CENTRALLY MOUNTED )  
RESISTANCE ROD AND AUTOMATIC WEIGHT )  
SELECTOR APPARATUS )  
Examiner: Fenn C. Mathew )

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

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QFC:1806

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

Statement of Relevance of References Listed  
Unaccompanied by English Translation  
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided:

**German Patent No. DE 2346105 A, Issued 09/13/1973: Hand gripped movement exercise apparatus – consisting of two sprung sticks connected by a flexible rod and distance pieces.** Exercise apparatus consisting of two sprung sticks resembling walking sticks to be gripped by the hands on each side of the person exercising. The sprung sticks are connected close to their lower end by a flexible rod, and are height adjustable. Both sticks are made up from a screw spring fitted with a handle on top with their lower end screwed into flexible cover fitted with a screw thread. The connecting rod is formed by a flexible pull link and a number of distance pieces fitted in a row on it which held the pull link under tension. The base of the appts. may be attached to the floor, and allows the user to sit or stand between the sticks.

**German Patent No. DE 3231228, Issued 2/23/1984: Device for building up human muscles.** The invention relates to a device for muscle training. This device is distinguished by the fact that two rails, rods or the like, at least one of which must be elastic and provided with a handle for gripping, are connected to each other at one point. In the optimum design, the device comprises two bows arranged convexly relative to each other and connected to each other at their backs. As a result, tensile and compressive forces can be executed with hands, arms and legs and these body parts can be trained.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the required references or relevant portion thereof is also enclosed.

Dated this 24 day of January, 2006.

Respectfully submitted,



Fraser D. Roy  
Attorney for Applicants  
Registration No. 45,666  
**Customer No. 022913**  
Telephone No. (801) 533-9800

FDR/lrc  
KC000004883V001

Applicant: Dalebout et al.  
 Serial No.: 10/647,729  
 Filing Date: August 25, 2003  
 Confirmation No.: 8150  
 For: EXERCISE DEVICE WITH CENTRALLY MOUNTED RESISTANCE ROD  
 AND AUTOMATIC WEIGHT SELECTOR APPARATUS

Att'y Docket No.: 13914.880  
 Group: 3764



#### INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

##### U.S. Patent Documents

Examiner Initial*	Patent Number	Issue Date	Name	Class	Sub Class	Filing Date
_____ A1.	D182,660	4/29/58	Hastings	D34	5	12/23/57
_____ A2.	9,695	5/3/1853	Hinsdale			
_____ A3.	484,352	10/11/1892	Ayton			4/11/1892
_____ A4.	588,350	8/17/1897	Perkins			12/4/1896
_____ A5.	685,788	11/5/1901	McFadden			12/21/1900
_____ A6.	852,193	4/30/1907	McMillan			4/4/1906
_____ A7.	964,745	7/19/10	Blakoe			5/19/09
_____ A8.	1,019,861	3/12/12	Titus			6/24/10
_____ A9.	1,115,826	11/3/14	Johnson			11/7/13
_____ A10.	1,123,272	1/5/15	Goodman			2/12/13
_____ A11.	1,144,085	6/22/15	Abplanalp			10/21/13
_____ A12.	1,495,278	5/27/24	Titus			6/6/21
_____ A13.	1,698,831	1/15/29	Titus			11/11/26
_____ A14.	2,346,105	4/4/44	Haehnel	66	127	2/27/43
_____ A15.	2,456,017	12/14/48	Park	272	79	9/8/47
_____ A16.	2,763,156	9/18/56	Garigal	73	381	6/14/55

Examiner: /Fenn C. Mathew/ Date Considered: 05/12/2009

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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_____ A17.	2,968,337	1/17/61	Bartlett	155	18	2/11/59
_____ A18.	3,000,628	9/19/61	Kellogg	269	205	4/21/58
_____ A19.	3,465,592	9/9/69	Perrine	73	379	9/14/65
_____ A20.	3,601,398	8/24/71	Brochman	273	26E	4/14/69
_____ A21.	3,638,941	2/1/72	Kulkens	272	83R	9/9/69
_____ A22.	3,640,528	2/8/72	Proctor	272	81	8/22/69
_____ A23.	3,690,655	9/12/72	Chapman	272	81	6/21/68
_____ A24.	3,858,874	1/7/75	Weider	272	79R	2/22/73
_____ A25.	3,884,464	5/20/75	Evangelos	272	79R	9/12/73
_____ A26.	3,892,404	7/1/75	Martucci	272	79R	10/30/74
_____ A27.	3,918,710	11/11/75	Niebojewski	272	81	8/12/74
_____ A28.	3,957,266	5/18/76	Rice	272	125	4/18/75
_____ A29.	3,958,803	5/25/76	Geisselbrecht	272	135	3/17/75
_____ A30.	4,026,548	5/31/77	Birdwell	272	136	7/2/75
_____ A31.	4,072,309	2/7/78	Wilson	272	136	6/21/76
_____ A32.	4,076,237	2/28/78	Dussia	272	136	3/21/77
_____ A33.	4,082,267	4/4/78	Flavell	272	125	5/12/76
_____ A34.	4,131,701	12/26/78	VanAuken	428	36	12/2/77
_____ A35.	4,157,181	6/5/79	Cecka	273	80	6/12/78

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Examiner: /Fenn C. Mathew/

Date Considered: 05/12/2009

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Att'y Docket No.: 13914.880  
Group: 3764

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_____ A36.	4,231,568	11/4/80	Riley et al.	272	136	1/29/79
_____ A37.	4,307,880	12/29/81	Abram	272	146	11/15/77
_____ A38.	4,316,609	2/23/82	Silberman	272	118	2/15/79
_____ A39.	4,316,610	2/23/82	Hinds	272	137	11/19/79
_____ A40.	4,328,965	5/11/82	Hatfield	272	137	6/16/80
_____ A41.	4,334,678	6/15/82	Doyel	272	141	3/12/79
_____ A42.	4,355,061	10/19/82	Zeigler	428	36	8/13/81
_____ A43.	4,384,715	5/24/83	Savio et al.	272	136	12/17/80
_____ A44.	4,428,577	1/31/84	Weingardt	272	135	7/25/79
_____ A45.	4,441,708	4/10/84	Brentham	272	130	9/23/81
_____ A46.	4,465,276	8/14/84	Cox	272	137	4/30/82
_____ A47.	4,521,013	6/4/85	Dofel	272	136	3/17/83
_____ A48.	4,603,855	8/5/86	Sebelle	272	117	1/2/81
_____ A49.	4,685,670	8/11/87	Zinkin	272	136	10/1/84
_____ A50.	4,721,303	1/26/88	Fitzpatrick	272	117	1/31/86
_____ A51.	4,898,381	2/6/90	Gordon	272	117	11/23/88
_____ A52.	5,421,801	6/6/95	Davies, III et al.	482	131	6/8/93
_____ A53.	5,529,560	6/25/96	Davies, III et al.	482	131	4/22/94
_____ A54.	5,626,547	5/6/97	Davies, III et al.	482	131	6/2/95

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Examiner: /Fenn C. Mathew/Date Considered: 05/12/2009

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_____ A55.	5,967,950	10/19/99	Hsu	482	96	2/26/98
_____ A56.	6,595,905	7/22/03	McBride	482	130	12/18/00
_____ A57.	6,685,607	2/3/04	Olson	482	142	1/10/03

Foreign Patent Documents

Examiner Initial*	Document Number	Publ. Date	Country or Patent Office	Sub Class	Class	Trans-lation
_____ A58.	GB 5867	7/10/13	Great Britain			
_____ A59.	GB 134,847	1/22/20	Great Britain			
_____ A60.	GB 325,435	2/20/30	Great Britain			
_____ A61.	GB 374,240	6/9/32	Great Britain			
_____ A62.	GB 466,901	6/8/37	Great Britain			
_____ A63.	GB 496,740	2/26/37*	Great Britain			
_____ A64.	GB 841,537	7/20/60	Great Britain			
_____ A65.	GB 1 326 704	8/15/73	Great Britain			
_____ A66.	DE 23 46 105	3/27/75	Germany			No
_____ A67.	DE 32 31 228	2/23/84	Germany			No
_____ A68.	JP 365694		Japan			Yes
_____ A69.	JP 55-148571		Japan			Yes

\* Filing Date

Examiner: /Fenn C. Mathew/ Date Considered: 05/12/2009

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Atty Docket No.: 13914.880  
Group: 3764

Other Documents  
(including author, title, pertinent pages, etc.)

Examiner  
Initial\*

A70. Breitbart Muscle Builder Apparatus, *Breitbart Pupils Say it with Muscles!*, May 4, 1929 (3 pages).

A71. Marcy Gymnasium Equipment Co., *Physical Fitness Equipment for the Entire Family* (1 page)

A72. Weider Barbell Co., *Giant Multiplex Builder* (1 page)

A73. Canadiana, *Big 16* (1 page)

A74. Broom Hall, *Broom's Advanced International Course* (1 page).

A75. Verlag Athletik, *Universal Twister* (1 page).

A76. RetroSearch, nerac.com, printed July 2, 2004 (4 pages).

**References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with

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Examiner: /Fenn C. Mathew/ Date Considered: 05/12/2009

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the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initiated by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

KC0000004808V001

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Examiner: /Fenn C. Mathew/ Date Considered: 05/12/2009

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /F.C.M.